

06-24-04

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**EXPRESS MAIL NO.: EV 452 772 831 US**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Palese et al.

Confirmation No.: 3723

Serial No.: 10/713,732

Art Unit: 1616

Filed: November 14, 2003

Examiner: To be assigned

For: ATTENUATED NEGATIVE STRAND  
VIRUSES WITH ALTERED INTERFERON  
ANTAGONIST ACTIVITY FOR USE AS  
VACCINES AND PHARMACEUTICALS

Attorney Docket No: 6923-118

**REQUEST FOR CORRECTED FILING RECEIPT**

Commissioner for Patents  
Office of Initial Patent Examination's Filing Receipt Corrections  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicants enclose herewith a copy of the official Filing Receipt, mailed by the United States Patent and Trademark Office on March 4, 2004 in connection with the above-identified application. Please note the corrections made in red ink on the copy. The Filing Receipt incorrectly identifies the Attorney Docket No. as 6923. It should read 6923-118. As evidence of the foregoing, submitted herewith is a copy of the Utility Patent Application Transmittal submitted on November 14, 2003.

The Filing Receipt also incorrectly recites that the Assignment for Published Patent Application is Mount Sinai School, Medicine of City University, NY. It should read Mount Sinai School of Medicine of New York University, NY. As evidence of the foregoing, submitted herewith is a copy of the Recordation Form Cover Sheet for parent Application No. 09/332,288 naming Mount Sinai School of Medicine of New York University as the receiving party. A Recordation Form Cover Sheet, Certificate of Merger and a Request for Assignee's Change of Name on Notice of Recordation of Assignment Document were submitted in connection with the parent application on July 21, 2003. Copies of these documents were submitted with the filing of the above-identified application on November 14, 2003.

Applicants respectfully request that the United States Patent and Trademark Office correct its records in accordance with the present submission and issue a corrected filing receipt.

It is estimated that no fee is required for correction of the Filing Receipt. However, should the Patent Office determine otherwise, please charge the necessary fee to Jones Day Deposit Account No. 503013. A duplicate of this sheet is enclosed for accounting purposes.

Respectfully submitted,

Date June 22, 2004

Laura A. Coruzzi 30,742  
Laura A. Coruzzi (Reg. No.)

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## UNITED STATES PATENT AND TRADEMARK OFFICE

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| APPL NO.   | FILING OR 371<br>(c) DATE | ART UNIT | FIL FEE REC'D | ATTY. DOCKET NO          | DRAWINGS | TOT CLMS | IND CLMS |
|------------|---------------------------|----------|---------------|--------------------------|----------|----------|----------|
| 10/713,732 | 11/14/2003                | 1616     | 958           | <del>0923</del> 6923-118 | 3        | 51       | 5        |

20583  
JONES DAY  
222 EAST 41ST STREET  
NEW YORK, NY 10017



CONFIRMATION NO. 3723

## FILING RECEIPT



\*OC000000012032579\*

Date Mailed: 03/04/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

## Applicant(s)

Peter Palese, Leonia, NJ;  
Adolfo Garcia-Sastre, New York, NY;  
Thomas Muster, Vienna, AUSTRIA;

## Assignment For Published Patent Application

Mount Sinai School, ~~Medicine of City University~~, NY;

*of Medicine of New York University*

## Domestic Priority data as claimed by applicant

This application is a CON of 09/332,288 06/11/1999 PAT 6,669,943  
which claims benefit of 60/117,683 01/29/1999  
and claims benefit of 60/108,832 11/18/1998  
and claims benefit of 60/089,103 06/12/1998

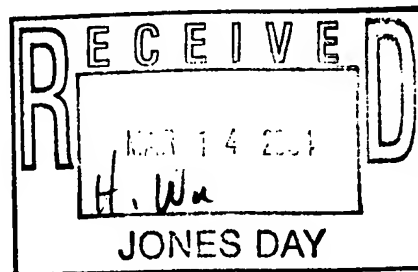
## Foreign Applications

If Required, Foreign Filing License Granted: 03/04/2004

Projected Publication Date: 06/10/2004

Non-Publication Request: No

Early Publication Request: No



**\*\* SMALL ENTITY \*\*****Title**

Attenuated negative strand viruses with altered interferon antagonist activity for use as vaccines and pharmaceuticals

**Preliminary Class**

424

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**LICENSE FOR FOREIGN FILING UNDER  
Title 35, United States Code, Section 184  
Title 37, Code of Federal Regulations, 5.11 & 5.15**

**GRANTED**

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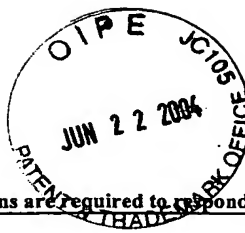
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Please type a plus (+) inside this box ☐



PTO/SB/05 (03-01)

Approved for use through 10/31/2002. OMB 0651-0032  
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**UTILITY  
PATENT APPLICATION  
TRANSMITTAL**

(Only for new nonprovisional applications under 37 CFR 1.53(b))

|  |                   |             |    |
|--|-------------------|-------------|----|
| Attorney Docket No.                            | 6923-118          | Total Pages | 85 |
| First Named Inventor or Application Identifier |                   |             |    |
| Palese et al.                                  |                   |             |    |
| Express Mail Label No.                         | EV 335 857 675 US |             |    |

**APPLICATION ELEMENTS**  
See MPEP chapters 600 concerning utility patent application contents.

Address to:

Commissioner for Patents  
P.O. Box 1450  
Mail Stop PATENT APPLICATION  
Alexandria, VA 22313-1450

1. ☒ Fee Transmittal Form  
(Submit an original, and a duplicate for fee processing)
2. ☒ Applicant claims Small Entity status, see 37 C.F.R. § 1.27
3. ☒ Specification [Total Pages 56]  
(preferred arrangement set forth below, MPEP 1503.01)
  - Descriptive title of the Invention
  - Cross Reference to Related Applications
  - Statement Regarding Fed sponsored R&D
  - Reference to Microfiche Appendix
  - Background of the Invention
  - Brief Summary of the Invention
  - Brief Description of the Drawings (if filed)
  - Detailed Description of the Invention (including drawings, if filed)
  - Claim(s)
  - Abstract of the Disclosure
4. ☒ Drawing(s) (35 USC 113) [Total Sheets 3]
5. ☒ Declaration and Power of Attorney [Total Sheets 4]
  - a. ☐ Newly executed (original or copy)
  - b. ☒ Copy from a prior application (37 CFR 1.63(d))  
(for continuation/divisional with Box 18 completed)
    - i. ☐ DELETION OF INVENTOR(S)  
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
6. ☐ Application Data Sheet. See 37 CFR 1.76

7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. ☐ Nucleotide and/or Amino Acid Sequence Submission  
(if applicable, all necessary)
  - a. ☐ Computer Readable Form (CRF)
  - b. ☐ Specification Sequence Listing on:
    - i. ☐ CD-ROM or CD-R (2 copies); or
    - ii. ☐ paper
  - c. ☐ Statement verifying identity of above copies

**ACCOMPANYING APPLICATION PARTS**

9. ☐ Assignment Papers (cover sheet & document(s))
10. ☐ 37 CFR 3.73(b) Statement (when there is an assignee) ☐ Power of Attorney
11. ☐ English Translation Document (if applicable)
12. ☒ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
13. ☒ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503)  
(Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s)  
(if foreign priority is claimed)
16. ☐ Nonpublication Request under 35 U.S.C. 122 (b)(2)(i). Applicant must attach form PTO/SB/35 or it's equivalent
17. ☐ Other:

18. If a CONTINUING APPLICATION, check appropriate box and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☒ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: 09/332,288 filed June 11, 1999.

Prior application information: Examiner: M. Mosher Group Art Unit: 1648

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

**19. CORRESPONDENCE ADDRESS**

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NY2: 1480076.1



**RECORDATION FORM COVER SHEET  
PATENTS ONLY**

Attorney Docket Number  
6923-086-999

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Please record the attached original documents or copy thereof.

|  |  |   |  |
|--|--|---|--|
| <b>1. Name of conveying party(ies):</b><br>Mount Sinai School of Medicine of the City University of New York<br><br>Additional name(s) of conveying party(ies) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No   |  | <b>2. Name and address of receiving party(ies):</b><br><br>Name: <u>Mount Sinai School of Medicine of New York University</u><br><br>Address: <u>One Gustave L. Levy Place</u><br><u>New York, NY 10029</u><br><br>Country (if other than USA):   |  |
| <b>3. Nature of conveyance:</b><br><br><div style="display: flex; justify-content: space-between;"> <span>Assignment</span> <span>Merger</span> </div> <div style="display: flex; justify-content: space-between;"> <span>Security Agreement</span> <span><input checked="" type="checkbox"/> Change of Name</span> </div> <div style="display: flex; justify-content: space-between;"> <span>Other</span> <span></span> </div><br>Execution Date: <u>February 3, 1999</u>   |  | <b>4. Application number(s) or patent number(s):</b><br><br>If this document is being filed together with a new application, the execution date of the application is:<br>A. Patent Application No.(s) <u>09/332,288</u> B. Patent No.(s)<br>Additional numbers attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |  |
| <b>5. Name and address of party to whom correspondence concerning document should be mailed:</b><br><br>PENNIE & EDMONDS LLP<br>1155 Avenue of the Americas<br>New York, New York 10036-2711   |  | <b>6. Number of applications and patents involved:</b> <u>1</u><br><b>7. Total fee (37 CFR 3.41):</b> .....\$ 40.00<br>Please charge to the deposit account listed in Section 8.<br><b>8. Deposit account number:</b><br><u>16-1150</u>   |  |
| <b>DO NOT USE THIS SPACE</b>   |  |   |  |
| <b>9. Statement and signature.</b><br><br><p><i>To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.</i></p> <div style="display: flex; justify-content: space-between; margin-top: 20px;"> <div style="width: 25%;"> <u>Laura A. Coruzzi</u><br/>           Name of Person Signing         </div> <div style="width: 15%;"> <u>30,742</u><br/>           Reg. No.         </div> <div style="width: 35%;"> <u>Laura A. Coruzzi</u><br/>           Signature         </div> <div style="width: 25%;"> <u>July 21, 2003</u><br/>           Date         </div> </div> <div style="text-align: center; margin-top: 10px;"> <u>By: Jennifer D. Chheda</u>      Reg No. <u>46,617</u> </div> <div style="display: flex; justify-content: flex-end; margin-top: 10px;"> <div style="border: 1px solid black; padding: 2px 10px;">             Total number of pages including cover sheet: <u>3</u> </div> </div> |  |   |  |

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